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11
12 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

13 HOLOGRAM USA, INC., a Delaware corporation;)
14 MUSION DAS HOLOGRAM LIMITED, a)
corporation organized under the laws of the United)
15 Kingdom; and UWE MAASS, an individual,)

16 Plaintiffs,)

17 v.)

18)
19 PULSE EVOLUTION CORPORATION, a Nevada)
Corporation; PULSE ENTERTAINMENT)
20 CORPORATION, a Delaware corporation, JOHN)
C. TEXTOR, an individual; DICK CLARK)
21 PRODUCTIONS, INC., a Delaware corporation;)
JOHN BRANCA and JOHN MCCLAIN, Executors)
of the Estate of Michael J. Jackson; MJJ)
22 PRODUCTIONS, INC., a California corporation;)
MUSION EVENTS LTD., a United Kingdom)
23 private company; MUSION 3D LTD, a United)
Kingdom private company; WILLIAM JAMES)
ROCK, an individual; IAN CHRISTOPHER)
24 O'CONNELL, an individual; and DOES 1 through)
10,)

25)
26)
27)
28 Defendants,)

Case No.: 2:14-cv-00772-GMN-(NJK)

29
30 **RESPONSE OF LARRY**
BRANTLEY AND BRANTLEY
INTELLECTUAL PROPERTY
LAW TO MOTION TO
DISQUALIFY

1 Larry Brantley and Brantley Intellectual Property Law (collectively “Brantley”)
2 respectfully respond to the Motion to Disqualify filed by Plaintiffs Musion Das Hologram, Ltd.,
3 Uwe Maass, and Hologram USA, Inc. (“Plaintiffs”) as follows:

4 Contrary to the allegations in the Motion: (1) Plaintiffs do not own U.S. Patent 7,883,212
5 (“the ‘212 patent”) as that patent was assigned to Musion IP Ltd. on May 29, 2013 prior to
6 MDH’s acquisition of the assets of Musion Systems Ltd. (“MSL”) in September 2013 and, as a
7 result, MDH does not have the right to assert that patent in this case; (2) Defendants Ian C.
8 O’Connell, Musion Events Ltd, and Musion 3D Ltd. (“Defendants”) have not put the validity of
9 the ‘212 patent at issue in this case as they have not yet answered and have only filed a motion to
10 dismiss based on this Court’s lack of personal jurisdiction over the Defendants; (3) out of an
11 abundance of caution, Brantley has not, and will not, disclose any privileged and confidential
12 information gained during his prior representation of MSL and has made that clear to opposing
13 counsel; (4) Brantley has not, and will not, challenge the validity of the ‘212 patent and has also
14 made that clear to opposing counsel; (5) Brantley has disputed the existence of a conflict in this
15 case and asked opposing counsel to file the motion to disqualify so that opposing counsel’s legal
16 position (which has varied from alleging that Uwe Maass was a former client and MDH was a
17 successor in interest to MSL to the current position alleging simply that MDH was the successor
18 in interest to MSL) would be clearly on the record and could be properly considered; (6)
19 Brantley has not stated that the Defendants intended to challenge the validity of the ‘212 patent;
20 and (7) Brantley has not, and will not, violate any rules of professional conduct, including
21 *Nevada Rule of Professional Conduct 1.9(a)* cited by the Plaintiffs in their Motion to Disqualify,
22 as MDH is not, and never has been, one of Brantley’s clients and does not have an attorney-
23 client relationship with Brantley. As a result, the Motion to Disqualify is meritless.
24

1 Notwithstanding the foregoing, because it would be unfair to force the Defendants to
2 have to spend time and money litigating this issue as it is unrelated to the merits of the case,
3 Brantley will voluntarily withdraw as counsel for the Defendants upon this Court's approval to
4 do so. Accordingly, Plaintiffs' Motion to Disqualify is moot and should be withdrawn.
5

6 Brantley respectfully requests that the Court issue an Order allowing the Defendants a
7 reasonable amount of time to retain new counsel to appear in this case on their behalf and to
8 adjust the scheduling order in this case to take into account that time, as well as the fact that
9 Defendants only appeared in this case on November 10, 2014.
10

11 Dated: January 5, 2015.

12 Respectfully submitted,

13 /s/ Larry W. Brantley
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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2015 I served a true and correct copy of the foregoing
RESPONSE OF LARRY BRANTLEY AND BRANTLEY INTELLECTUAL PROPERTY LAW TO MOTION TO
DISQUALIFY with the Clerk of the Court using the CM/ECF system, which will send notification
of such filing to counsel of record for all parties who have appeared in this action.

/s/ Larry W. Brantley
*An Attorney for Defendants Ian Christopher
O'Connell, Musion Events Ltd., Musion 3D
Ltd.*